

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

David Mills Hancock,	)	Case No. 2:18-cv-00974-DCC
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
Shelly Suttles, Sherry Donaldson,	)	
Brandy Galloway, Lt. Hettich,	)	
	)	
Defendants.	)	
_____	)	

This matter is before the Court upon Defendants motions for summary judgment. ECF Nos. 51, 54. Plaintiff failed to file responses to the motions. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.), this matter was referred to United States Magistrate Judge Mary Gordon Baker for pre-trial proceedings and a Report and Recommendation ("Report"). On June 13, 2019, the Magistrate Judge issued a Report recommending that this action be dismissed pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute and failure to comply with an order of the Court. ECF No. 72. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff has filed no objections, and the time to do so has lapsed.<sup>1</sup>

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<sup>1</sup> The undersigned notes that some correspondence from the Court, including both *Roseboro* orders were returned as undeliverable. ECF Nos. 60, 64. Plaintiff has been warned that it is his responsibility to update his address with the Court. ECF No. 6. The Magistrate Judge's order directing Plaintiff to respond to the motions by May 13, 2019, and the Magistrate Judge's Report have not been returned.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

After considering the record in this case, the applicable law, and the Report of the Magistrate Judge, the Court finds no clear error and agrees with the recommendation of the Magistrate Judge. Accordingly, this action is **DISMISSED** with prejudice pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute and failure to comply with an order of the Court.

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.  
United States District Judge

July 25, 2019  
Spartanburg, South Carolina

### **NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.